



**U.S. Customs and
Border Protection**

FEB 13 2012

The Honorable Jeff Sessions
United States Senate
Washington, DC 20510

Dear Senator Sessions:

Thank you for your January 31, 2012 letter on behalf of Standard Furniture Manufacturing Company, Inc. (Standard) regarding the distribution to the Continued Dumping and Subsidy Offset Act of 2000.

U.S. Customs and Border Protection (CBP) has delayed the distribution of certain funds for fiscal years 2006 through 2010, pending the outcome of litigation questioning the constitutionality of the statutory provision that restrict distributions to petitioners and supporters of antidumping investigations. In light of the Court of Appeals decisions in *SKF USA Inc. v. United States* and *PS Chez Sidney v. U.S. Int'l Trade Comm'n*, CBP believes that the constitutional challenges presented in Standard's litigation have been resolved. CBP intends to distribute funds to recipients who have had them withheld for a significant period of time.

CBP notes that Standard continues to pursue its rights through the courts, including a request for a preliminary injunction to prevent the release of the withheld funds. That motion has been briefed and the parties are currently awaiting a decision from the Court of International Trade. Consequently, CBP does not believe that it would be appropriate to discuss the respective merits of party positions while litigation is ongoing.

I appreciate your interest in U.S. Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

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Office of Congressional Affairs